

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

ROBERT GIGGIE

Case: 2:18-mj-30516
Judge: Unassigned,
Filed: 10-01-2018
CMP USA V. GIGGIE (NA)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 30, 2018 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*


26 U.S.C. Section 5861(d)

Offense Description

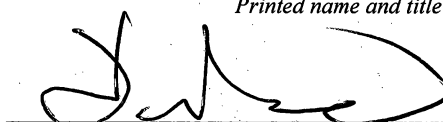
Possession of unregistered machine gun

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.
*Complainant's signature*Aaron Erkkinen, Special Agent*Printed name and title*

Sworn to before me and signed in my presence.

Date: October 1, 2018City and state: Detroit, Michigan
*Judge's signature*David R. Grand, United States Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Aaron M. Erkkinen, Federal Bureau of Investigation, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), Detroit Office, having been so employed since July 2014. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, Section 2510(7), and I am empowered by law to conduct investigations and make arrests enumerated in Title 18, United States Code, Section 2516. As part of my duties, I have investigated federal criminal violations, including violations of sections of the federal code relating to the unlawful possession of firearms. I have experience in the investigation, apprehension and prosecution of individuals involved in illegal weapons offenses.

2. The facts in this affidavit come from my personal observations, training, experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

3. This affidavit is made in support of a criminal complaint charging ROBERT BERNARD GIGGIE with a violation of Title 26, United States Code, Section 5861(d) (possession of unregistered machine gun). Section 5861(d)

prohibits the possession by any person of “a firearm which is not registered to him in the National Firearms Registration and Transfer Record.” “Firearm,” as used in this section, includes any “machinegun.” 26 U.S.C. § 5845(a)(6). A “machinegun” is “any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.” 26 U.S.C. § 5845(b).

PROBABLE CAUSE

4. On Sunday, September 30, 2018, law enforcement officers observed that GIGGIE was present at the firing range commonly known as “The Pit,” located on Roods Lake Road in Lapeer, Michigan. Law enforcement officers witnessed GIGGIE remove multiple firearms from the trunk of his vehicle, including a black bullpup-style rifle (hereinafter “FA1”). Law enforcement officers witnessed GIGGIE give FA1 to another individual, who fired it. Law enforcement officers witnessed FA1 fire at a rapid rate (6- to 8-round bursts with a single trigger pull). Law enforcement officers witnessed GIGGIE return FA1 to the trunk of his vehicle.


5. GIGGIE was subsequently stopped in his vehicle in Oakland County, Michigan, by an Oakland County law enforcement officer upon leaving “The Pit”. By way of a search of his vehicle, GIGGIE was found to be in possession of FA1.

6. GIGGIE was arrested. In a custodial interview conducted immediately following his arrest, GIGGIE informed me of the following:

- a. That he was the owner of FA1.
- b. That he did not have a license authorizing him to possess a firearm capable of firing fully automatic.


7. Based upon my training and experience, and my knowledge of the aforementioned facts, I submit there is probable cause to believe that ROBERT BERNARD GIGGIE violated Title 26, United States Code, 5861(d) (possession of unregistered machine gun).

8. I hereby declare that the foregoing is true and correct to the best of my knowledge pursuant to the investigation conducted in this matter.



Aaron Erkinen, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Hon. David R. Grand
United States Magistrate Judge